

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
NORTHERN DIVISION**

In the Matter of the Petition

of

GRACE OCEAN PRIVATE LIMITED, as  
Owner of the M/V DALI,

and

SYNERGY MARINE PTE LTD, as Manager  
of the M/V DALI,

for Exoneration from or Limitation of Liability

Docket No. JKB 24-cv-941

***IN ADMIRALTY***

**ANSWER OF ZIM INTEGRATED SHIPPING  
SERVICES LTD. TO THE PETITION FOR  
EXONERATION FROM OR LIMITATION OF  
LIABILITY**

ZIM Integrated Shipping Services Ltd. (“ZIM”), by and through its attorneys, Palmer Biezup and Henderson, LLP, as and for its Answer to the Petition for Exoneration from or Limitation of Liability (the “Petition”) of GRACE OCEAN PRIVATE LIMITED (“Grace”) and SYNERGY MARINE PTE LTD (“Synergy”) (together “Petitioners”), pursuant to Supplemental Rule F(5) and other Rules of the Federal Rules of Civil Procedure, hereby states, upon information and belief, as follows:

1. The allegations contained in paragraph 1 of the Petition consist of legal conclusions to which no response is required. To the extent that a response is deemed necessary, ZIM denies the allegations contained in paragraph 1.

2. The allegations contained in paragraph 2 of the Petition consist of legal conclusions to which no response is required. To the extent that a response is deemed necessary, ZIM denies the allegations contained in paragraph 2.

3. ZIM admits that Grace was the registered owner of the M/V DALI, but except as so admitted, ZIM lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 3 of the Petition.

4. ZIM admits that Synergy allegedly managed the M/V DALI during the relevant periods mentioned, but except as so admitted, ZIM lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 4 of the Petition.

5. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Petition.

6. ZIM admits that the Francis Scott Key Bridge (“Key Bridge”) was a 1.6-mile span over the Patapsco River at the outer crossing of the Baltimore Harbor, but except as so admitted, ZIM lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 6 of the Petition.

7. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Petition.

8. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Petition.

9. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Petition.

10. ZIM admits that, at or about 1:29 am eastern daylight time on March 26, 2024, the M/V DALI allided with the Key Bridge.

11. ZIM admits that, as a result of the allision, containers carried aboard the M/V DALI were damaged and/or lost, but except as so admitted, ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Petition.

12. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Petition.

13. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Petition.

14. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Petition.

15. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Petition.

16. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Petition.

17. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Petition.

18. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the Petition.

19. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the Petition.

20. ZIM admits that Petitioners have offered an Interim Stipulation of Value in the amount of \$43,670,000 and that the Interim Stipulation is substantially less than the amount that will be claimed for losses and damages arising out of the M/V DALI's allision with the Key Bridge, but except as so admitted, ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Petition.

21. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Petition.

22. The allegations contained in paragraph 22 of the Petition consist of legal

conclusions to which no response is required. To the extent that a response is deemed necessary, ZIM denies the allegations contained in paragraph 22.

23. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Petition.

24. ZIM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of the Petition.

#### **FIRST AFFIRMATIVE DEFENSE**

The Petition fails to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

The events culminating in the damages and losses sustained by ZIM were not the result of any negligence, fault, or want of due care on the part of ZIM.

#### **THIRD AFFIRMATIVE DEFENSE**

The amount of security posted by the Petitioners or on their behalf in this limitation proceeding is neither sufficient nor adequate to properly discharge Petitioners' liabilities and obligations, nor does it reflect the correct values required by law. This Court should, therefore, strike the Petition or, failing that, order Petitioners to submit their interests in the M/V DALI and other property for re-evaluation and thereafter direct that Petitioners file security in an increased amount to cover the claims herein.

#### **FOURTH AFFIRMATIVE DEFENSE**

The carriage of ZIM's cargoes aboard the Vessel was subject to the terms and conditions of various bills of lading and/or other contracts of carriage. The loss of and/or damage to ZIM's cargoes was caused in whole or in part by the Petitioners' acts, omissions, fault, and negligence.

#### **ADDITIONAL AFFIRMATIVE DEFENSES**

ZIM reserves the right to assert any additional defenses that become apparent during the

course of discovery, including but not limited to, the right to challenge Petitioners' right to exoneration from or limitation of liability pursuant to the Limitation Act, 46 U.S.C. § 30501, *et seq.*

**WHEREFORE**, ZIM prays that:

1. The Petition herein for Exoneration from Liability be dismissed;
2. Or, in the alternative, Petitioners must post additional financial security sufficient to discharge and secure the Petitioners' liabilities and obligations to the Claimant herein and the other Claimants;
3. Or, in the alternative, Petitioners must post additional financial security sufficient to reflect the actual value of the M/V DALI together with pending freight;
4. ZIM be awarded its damages, with interest thereon, plus the costs of these proceedings, attorneys' fees and interest; and
5. This Court grant such other and further relief as may be just and equitable.

Respectfully Submitted.

**PALMER BIEZUP & HENDERSON LLP**

By: /s/

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forthcoming